

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**SECOND JOINT INFORMATIVE MOTION TO NOTIFY SCHEDULE OF UPCOMING
DEPOSITIONS AND PROCEDURES FOR ATTENDANCE OF THE SAME**

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of debtors the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and collectively with the Commonwealth and ERS, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF” and, together with the Oversight Board, the “Government Parties”), AmeriNational Community Services, LLC (the “Servicer”), as servicer

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

for the GDB Debt Recovery Authority (the “DRA”), and Cantor-Katz Collateral Monitor LLC, which serves as the collateral monitor for Wilmington Trust, N.A. in connection with the new bonds issued by the DRA³ (the “Collateral Monitor,” and together with the Servicer, collectively, the “DRA Parties”, and jointly with the Government Parties, the “Parties”) respectfully submit this second joint informative motion (the “Second Joint Motion”) setting forth the current schedule of upcoming depositions in connection with confirmation of the *Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico* [Dkt. No. 17627] (as it may be amended, modified, or supplemented, the “Plan”), and in compliance with the *Amended Order Establishing Procedures and Deadlines Concerning Objection to Confirmation and Discovery in Connection Therewith* [Dkt. No. 18394] (the “Amended Confirmation Procedures Order”).

NOTICE

1. The Amended Confirmation Procedures Order establishes (i) the deadline by which parties shall serve Initial Notices of Deposition⁴ as well as Follow-Up Deposition Notices (jointly, the “Depositions”); (ii) requires that Eligible Creditors, PSA Parties, and parties in interest (jointly, the “Deposition Parties”) shall receive notice of said Depositions; and (iii) outlines the Deposition Parties’ respective rights regarding participation and/or attendance in these Depositions. *See* Amended Confirmation Procedures Order at ¶¶ 3, 13, 16.

2. This Second Joint Motion supplements the schedule of depositions provided in the *Joint Informative Motion to Notify Schedule of Upcoming Depositions and Procedures for Attendance of the Same* [Dkt. No. 18367] (the “First Joint Motion”). Since the First Joint Motion

³ The DRA bonds were issued pursuant to the *Government Development Bank for Puerto Rico Debt Restructuring Act*, Act No. 109-2017, as amended by Act No. 147-2018.

⁴ Capitalized terms not defined in this Joint Motion shall have the meaning ascribed to them in the Amended Confirmation Procedures Order.

was filed, the Parties have scheduled additional Depositions. In order to ensure the Deposition Parties are able to participate in or observe these Depositions, the Parties herein set forth agreed-upon dates, times, and procedures for the Depositions. The Parties intend to file subsequent informative motions as needed to notify the Court of additional Depositions if and when they are scheduled:

<u>Name of Deponent:</u>	<u>Deposition Date:</u>	<u>Confidential:</u>
Fernando Batlle as designated Rule 30(b)(6) witness for AAFAF ⁵	October 11, 2021 at 9:30 AM AST	Yes
Marti P. Murray	October 13, 2021 at 9:30 AM AST	No
Gaurav Malhotra	October 15, 2021 at 9:30 AM AST	No
Douglas J. Brickley	October 15, 2021 at 9:30 AM AST	Yes
Lizette Martinez	October 18, 2021 at 11:00 AM AST	Yes

3. Deposition Parties who wish to attend the Depositions are required to register their attendance by sending an email to promesadepositions@veritext.com at least 48 hours prior to the commencement of any deposition. The Deposition Parties must state in the email whether they will be attending as either (i) a “Participant” or (ii) an “Observer” as defined in the First Joint Motion.

⁵ The DRA Parties dispute and do not consent to Fernando Batlle’s designation as a Rule 30(b)(6) witness for AAFAF for the reasons outlined in the *Informative Motion of Discovery Dispute Between the DRA Parties and the Puerto Rico Fiscal Agency and Financial Advisory Authority* (the “Batlle Dispute”). See ECF No. 18448. Through the filing of this Second Joint Motion, the DRA Parties are not waiving their arguments or positions concerning the Batlle Dispute and its resolution thereof, and the DRA Parties hereby reserve all rights concerning the Batlle Dispute including, but not limited to, the right to scheduling another deposition of Mr. Batlle at a later date. AAFAF likewise reserves all rights with respect to the Batlle Dispute.

4. The procedures set forth in the First Joint Motion, as well as the Remote Deposition Protocol attached thereto as Exhibit A [ECF No. 18367-1], will apply to all Depositions listed above and any future Depositions that are scheduled in connection with confirmation of the Plan.

[Remainder of Page Intentionally Left Blank]

Dated: October 9, 2021.
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer
USDC No. 215205
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944

/s/ Margaret A. Dale

Martin J. Bienenstock
Brian S. Rosen
Margaret A. Dale
Julia D. Alonzo
Laura Stafford
Admitted *Pro Hac Vice*
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900
mbienenstock@proskauer.com
brosen@proskauer.com
mdale@proskauer.com
jalonzo@proskauer.com
lstafford@proskauer.com

*Attorneys for the Financial Oversight and
Management Board as representative for the
Debtors*

/s/ Peter Friedman

John J. Rapisardi
(Admitted *Pro Hac Vice*)

O'MELVENY & MYERS LLP

7 Times Square
New York, NY 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

Peter Friedman
(Admitted *Pro Hac Vice*)
1625 Eye Street, NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

Elizabeth L. McKeen
Ashley M. Pavel
(Admitted *Pro Hac Vice*)
610 Newport Center Drive, 17th Floor
Newport Beach, California 92660
Tel: (949) 823-6900
Fax: (949) 823-6994

***Attorneys for the Puerto Rico Fiscal Agency
and Financial Advisory Authority***

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi
USDC No. 222301
Email: lmarini@mpmlawpr.com
Carolina Velaz-Rivero
USDC No. 300913
Email: cvelaz@mpmlawpr.com

MARINI PIETRANTONI MUÑOZ LLC

250 Ponce de León Ave.
Suite 900
San Juan, Puerto Rico 00918
Tel: (787) 705-2171
Fax: (787) 936-7494

***Co-Attorneys for the Puerto Rico Fiscal
Agency and Financial Advisory Authority***

MCCONNELL VALDÉS LLC

270 Muñoz Rivera Avenue, Suite 7
Hato Rey, Puerto Rico 00918
PO Box 364225
San Juan, Puerto Rico 00936-4225
Telephone: 787-250-5632
Facsimile: 787-759-9225

By: /s/Arturo J. García-Solá
Arturo J. García-Solá
USDC No. 201903
Email: ajg@mcvpr.com

By: /s/Alejandro J. Cepeda-Díaz
Alejandro J. Cepeda-Díaz
USDC No. 222110
Email: ajc@mcvpr.com

By: /s/Nayuan Zouairabani
Nayuan Zouairabani
USDC No. 226411
Email: nzt@mcvpr.com

***Attorneys for AmeriNational Community
Services, LLC as servicer for the GDB Debt
Recovery Authority***

C. CONDE & ASSOC. LAW OFFICES

By: /s/ Carmen D. Conde Torres
Carmen D. Conde Torres
(USDC No. 207312)
/s/ Luisa S. Valle Castro
Luisa S. Valle Castro
(USDC No. 215611)
254 San José Street, Suite 5
San Juan, PR 00901-1523
Tel. 787-729-2900
Fax. 787-729-2203
E-Mail: condecarmen@condelaw.com

SCHULTE ROTH & ZABEL LLP

By: /s/ Douglas S. Mintz
Douglas S. Mintz (admitted *pro hac vice*)
901 Fifteenth Street, NW, Suite 800
Washington, D.C. 20005
Telephone: (202) 729-7470
Facsimile: (202) 730-4520
E-mail: dmintz@orrick.com

-and-

Douglas Koff (admitted *pro hac vice*)
Abbey Walsh (admitted *pro hac vice*)
Peter J. Amend (admitted *pro hac vice*)
919 Third Avenue
New York, N.Y. 10022
Tel: 212-756-2000
Fax: 212-593-5955
E-mail: douglas.koff@srz.com
abbey.walsh@srz.com
peter.amend@srz.com

***Attorneys for Cantor-Katz Collateral
Monitor LLC, as Collateral Monitor for
GDB Debt Recovery Authority***

CERTIFICATE OF SERVICE

I hereby certify that, on October 9, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer